

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MS. SHERI WADE,

Plaintiff,

v.

Civil Action No. 3:18cv828

INTERWORKS UNLIMITED, INC.,

Defendant.

ORDER

This matter comes before the Court on Plaintiff's Motion for Leave to Present Evidence via Unsworn Declaration in Lieu of Live Testimony and to Amend Witness & Exhibit List (the "Motion"). (ECF No. 27.) For the following reasons, the Court will grant the Motion.

On May 14, 2021, Plaintiff filed her Third Motion for Default Judgment. (ECF No. 21.) On July 27, 2021, the Court ordered a hearing on the Third Motion for Default Judgment. (ECF No. 23.) The hearing is currently set for Tuesday, November 23, 2021, at 11:00 a.m. On November 15, 2021, Plaintiff filed the instant motion for Plaintiff's treating physician, Dr. Andrew Bogle, to submit an unsworn declaration under penalty of perjury pursuant to 28 U.S.C. § 1746¹ in lieu of appearing at the hearing.

¹ 28 U.S.C. § 1746 provides that:


Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed

The Court has reviewed the proposed declaration, (ECF No. 28-1), and determines that it complies with the requirements of 28 U.S.C. § 1746. Therefore, the Court will accept Dr. Bogle's declaration in lieu of live testimony. The Court accepts Plaintiff's Amended Witness & Exhibit List to that effect. (ECF No. 28-2.)

Therefore, the Court GRANTS the Motion. (ECF No. 27.)

It is SO ORDERED.

Date: 11-16-21
Richmond, Virginia

/s/ 
M. Hannah Lauck
United States District Judge

by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).
(Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).
(Signature)".

28 U.S.C. § 1746.